

# Exhibit 5

June 6, 2019 email from Patrick  
Madden to Meghan Strong et al.

**From:** [Patrick Madden](#)  
**To:** [Meghan Strong](#)  
**Cc:** [Mark R. Suter](#); [Kevin Rayhill](#); [Nicholas Widnell](#); [Jonathan Shaw](#)  
**Subject:** RE: Le v. Zuffa - follow-up to today's call  
**Date:** Thursday, June 6, 2019 8:14:25 PM  
**Attachments:** [2019-6-6 - UFC - Combined Exhibit List.xlsx](#)  
[2019-6-6 - UFC - Amendments to Plaintiffs' Exhibit List.xlsx](#)  
[2019-6-6 - UFC - Plaintiffs' Preliminary List of Exhibit Objections \(categorized\).xlsx](#)

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Meghan,

Attached to this email are: (1) A revised combined exhibit list; (2) A list of the specific additions/amendments reflected in the revised combined exhibit list along with the reason for the addition/amendment; and (3) A list of Zuffa's exhibits to which Plaintiffs' preliminarily object, identifying which of Plaintiffs' objections apply to which of Zuffa's proposed exhibits. Note that, in item (2), the "Additions to Plaintiffs' list" are materials Dr. Singer lists as relying upon in his written reports that Plaintiffs' inadvertently omitted from their initial list.

Plaintiffs reserve the right to add objections and/or exhibits to the objection list as Plaintiffs' continue to review Zuffa's exhibit list. Plaintiffs further continue to reserve the right to add exhibits as appropriate to respond to Zuffa's improper "Summary Exhibits."

Have a good evening.

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**From:** Meghan Strong <[mstrong@bsflp.com](mailto:mstrong@bsflp.com)>  
**Sent:** Thursday, June 6, 2019 12:10 PM  
**To:** Patrick Madden <[pmadden@bm.net](mailto:pmadden@bm.net)>  
**Cc:** Mark R. Suter <[msuter@bm.net](mailto:msuter@bm.net)>; Kevin Rayhill <[krayhill@saverilawfirm.com](mailto:krayhill@saverilawfirm.com)>; Nicholas Widnell <[nwidnell@bsflp.com](mailto:nwidnell@bsflp.com)>; Jonathan Shaw <[jshaw@bsflp.com](mailto:jshaw@bsflp.com)>  
**Subject:** RE: Le v. Zuffa - follow-up to today's call

It looks like 1:30 pm ET/10:30 am PT will work best on our end. I will circulate a dial-in.

Also, I don't think we have received a breakdown from Plaintiffs yet of your specific objections to each individual exhibit you identified. We would appreciate you getting that to us in advance of the call tomorrow.

Thanks.

**Meghan H. Strong\***

Associate

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**From:** Patrick Madden [<mailto:pmadden@bm.net>]  
**Sent:** Thursday, June 6, 2019 11:54 AM  
**To:** Meghan Strong  
**Cc:** Mark R. Suter; Kevin Rayhill; Nicholas Widnell; Jonathan Shaw  
**Subject:** RE: Le v. Zuffa - follow-up to today's call

Yes. I can do that.

Let me know when works best for you between 1230pm and 330pm.

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**From:** Meghan Strong <[mstrong@bsflp.com](mailto:mstrong@bsflp.com)>  
**Sent:** Thursday, June 6, 2019 11:53 AM  
**To:** Patrick Madden <[pmadden@bm.net](mailto:pmadden@bm.net)>  
**Cc:** Mark R. Suter <[msuter@bm.net](mailto:msuter@bm.net)>; Kevin Rayhill <[krayhill@saverilawfirm.com](mailto:krayhill@saverilawfirm.com)>; Nicholas Widnell <[nwidnell@bsflp.com](mailto:nwidnell@bsflp.com)>; Jonathan Shaw <[jshaw@bsflp.com](mailto:jshaw@bsflp.com)>  
**Subject:** RE: Le v. Zuffa - follow-up to today's call

We have a third party call at 4:00 pm and, pending confirmation from Invicta's counsel, another at 3:30 pm. We could do something in the 12:30 pm – 3:30 pm eastern window, if you have availability then.

**Meghan H. Strong\***

Associate

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**From:** Patrick Madden [<mailto:pmadden@bm.net>]  
**Sent:** Thursday, June 6, 2019 11:43 AM  
**To:** Meghan Strong  
**Cc:** Mark R. Suter; Kevin Rayhill; Nicholas Widnell; Jonathan Shaw  
**Subject:** RE: Le v. Zuffa - follow-up to today's call

Meghan –

I have a call in another case at 11:30 eastern tomorrow. It's scheduled for an hour. I have not been tracking all of the third party call times. Is there another slot we can work with?

**From:** Meghan Strong <[mstrong@bsflp.com](mailto:mstrong@bsflp.com)>  
**Sent:** Thursday, June 6, 2019 11:29 AM  
**To:** Patrick Madden <[pmadden@bm.net](mailto:pmadden@bm.net)>  
**Cc:** Mark R. Suter <[msuter@bm.net](mailto:msuter@bm.net)>; Kevin Rayhill <[krayhill@saverilawfirm.com](mailto:krayhill@saverilawfirm.com)>; Nicholas Widnell <[nwidnell@bsflp.com](mailto:nwidnell@bsflp.com)>; Jonathan Shaw <[jshaw@bsflp.com](mailto:jshaw@bsflp.com)>  
**Subject:** RE: Le v. Zuffa - follow-up to today's call

Patrick,

I want to confirm with Plaintiffs that Zuffa intends to only discuss confidentiality issues during today's meet and confer at 3:30 pm ET/12:30 pm PT.

We are currently preparing a response to the email you sent us Tuesday night regarding the proper scope of direct, cross, and rebuttal, along with the other items we agreed on Monday to send Plaintiffs. We will send you our statements on these issues by the end of the day today, but we do not expect to have them to you sufficiently in advance of the meet and confer at 3:30 to discuss them today. We would therefore like to schedule a call for tomorrow to ensure we have a time to discuss those remaining items.

Given that there are meet and confers with third parties scheduled tomorrow afternoon, I suggest we meet at 11:30 am ET/8:30 am PT, as we have done previously. Please let us know if that will work for Plaintiffs or propose alternate times.

Thanks,  
Meghan

**Meghan H. Strong\***

Associate

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**From:** Meghan Strong  
**Sent:** Wednesday, June 5, 2019 5:36 PM  
**To:** 'Patrick Madden'  
**Cc:** Mark R. Suter; Kevin Rayhill; Nicholas Widnell; Jonathan Shaw  
**Subject:** RE: Le v. Zuffa - follow-up to today's call

Let's do 3:30 pm ET/12:30 pm PT. I will circulate a dial-in shortly.

Thanks.

**Meghan H. Strong\***

Associate

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**From:** Patrick Madden [<mailto:pmadden@bm.net>]

**Sent:** Wednesday, June 5, 2019 5:18 PM

**To:** Meghan Strong

**Cc:** Mark R. Suter; Kevin Rayhill; Nicholas Widnell; Jonathan Shaw

**Subject:** RE: Le v. Zuffa - follow-up to today's call

Tomorrow after 3pm Eastern works for me.

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PATRICK F. MADDEN / Associate

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**From:** Meghan Strong <[mstrong@bsflp.com](mailto:mstrong@bsflp.com)>

**Sent:** Wednesday, June 5, 2019 5:12 PM

**To:** Patrick Madden <[pmadden@bm.net](mailto:pmadden@bm.net)>

**Cc:** Mark R. Suter <[msuter@bm.net](mailto:msuter@bm.net)>; Kevin Rayhill <[krayhill@saverilawfirm.com](mailto:krayhill@saverilawfirm.com)>; Nicholas Widnell <[nwidnell@bsflp.com](mailto:nwidnell@bsflp.com)>; Jonathan Shaw <[jshaw@bsflp.com](mailto:jshaw@bsflp.com)>

**Subject:** RE: Le v. Zuffa - follow-up to today's call

Patrick,

I write to follow-up about scheduling our next meet and confer as we have not yet heard from you whether Plaintiffs are available tomorrow afternoon. I know that we have not yet sent Plaintiffs a response on our first two items listed below, and we expect to respond on those points tomorrow.

Given that we need to discuss both confidentiality and non-confidentiality issues, we'd like to suggest we move forward with a meet and confer tomorrow afternoon to discuss the confidentiality side of objections. We can then schedule a second call for Friday if we need additional time to discuss the non-confidentiality side of objections once we have sent you the responses we continue

to work on.

If Plaintiffs are amenable to this schedule, please respond proposing times tomorrow afternoon and on Friday that will work for you.

Thanks,  
Meghan

**Meghan H. Strong\***

Associate

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**From:** Meghan Strong

**Sent:** Monday, June 3, 2019 7:18 PM

**To:** Patrick Madden

**Cc:** Mark R. Suter; Kevin Rayhill; Nicholas Widnell; Jonathan Shaw

**Subject:** Le v. Zuffa - follow-up to today's call

Patrick,

Here is a summary of what we understand both sides to have promised to deliver to each other in follow-up to our call today:

- Plaintiffs
  - Plaintiffs to draft and send a summary of their position on what the standard should be regarding what exhibits may appropriately be used on direct, cross, and re-direct (as it relates to the issue of asking about documents not on an expert's Materials Relied Upon List).
  - Plaintiffs to send a breakdown of what the basis for objection is for each document on the list Plaintiffs sent Friday (understanding that one document may fall into more than one of Plaintiffs' objection categories).
- Zuffa
  - Zuffa to draft proposed language for a stipulation to resolve the issue of Zuffa's hearsay objection and preserve issues appropriately for trial.
  - Zuffa to clarify specific basis for the objections "Foundation, authenticity, and unreliability" to clarify if these are Daubert objections or something else.
  - Zuffa to resend letter explaining Zuffa's sealing positions (see attached).
  - Zuffa will also send Plaintiffs updated designations for the depositions and related information tomorrow (Tuesday, June 4).

Tentative agreements that both sides need to confirm:

- Zuffa's proposed briefing schedule and page limits, to apply only to objections not based on confidentiality.
- Plaintiffs to amend their exhibit list to include the missing cover emails we identified (but reserve the right to use excerpts of documents, an issue which we discussed but have not yet resolved).
- Plaintiffs also propose to amend their exhibit list to include all documents relied upon by all of their experts.

Let us know if you understood any of these agreements differently. In addition, it looks like scheduling our next call for sometime Thursday in the afternoon (ET) would work best on our end. Please let us know what time would work well for Plaintiffs on Thursday afternoon.

Thanks,  
Meghan

**Meghan H. Strong\***

Associate

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